

AMENDMENT

U.S. Appln. No. 09/418,536

5017-1-005

REMARKS

Reconsideration of all of the rejections and allowance of the pending claims are respectfully requested in light of the above amendment and the following remarks.

Applicants have amended claims 1 and 19 to clarify the claimed invention over the prior art. In claim 1, Applicants have clarified that during the activating step the incident review mode is displayed on the defibrillator screen of the defibrillator used in the deploying step, without the need to attach the defibrillator to another external device. Applicants respectfully submit that Figure 3 clearly shows a display at 118 for reviewing ECG data during an incident review mode.

The Final Office Action alleges that Rockwell discloses a process for display of incident data by a defibrillator.

However, in contrast to the presently claimed invention, Applicants respectfully submit that Rockwell discloses printing and reviewing of the event summary that is, in fact, no different than any of the prior art devices. Applicants note that column 8, lines 41-52 disclose a first automatic external defibrillator (AED 104) which is used on the patient. A second paramedic defibrillator 108, which is a stand-alone device external to the AED 104 and is used by ACL (Advanced Cardiac Life Support) provider, is in

AMENDMENT

U.S. Appln. No. 09/418,536

5017-1-005

provider, is in communication with the first defibrillator 104 via an infrared or RF communication means. Thus, the recorded ECG data of the defibrillator used on the patient 104 is not the same defibrillator as that of the paramedic 108 and requires the transfer of information to the external paramedic unit. In addition, in the presently claimed invention recited in claim 1, the defibrillator deployed for use is attached to a patient, monitors ECG data from the patient, records the monitored ECG data in memory and activates an incident review mode in which the recorded ECG data is displayed on the defibrillator screen of the defibrillator used in the deploying step without the need to attach the defibrillator to an external device for display.

One advantage of the presently claimed method is that the information can be reviewed on-line (when the device is attached is attached to the patient) as well as off-line (please see specification page 4, lines 3-7). By providing these features in a single unit, a caregiver can more quickly access portions of the ECG data that are of interest than such prior art arrangements as disclosed by Rockwell. This feature is not disclosed or suggested to a person of ordinary skill in the art by Rockwell. In fact, the portion of Rockwell cited in the Final Office Action merely

AMENDMENT

U.S. Appln. No. 09/418,536

5017-1-005

discloses that a hand-off occurs from a first defibrillator to a second defibrillator.

As noted by the Applicants in the specification in the last paragraph of page 2, emergency response personnel may not be the first ones on site to use the defibrillator to provide potentially life saving treatment. Applicants respectfully submit that defibrillators are being placed in more public areas such as airplanes, shopping malls, office buildings and/or sporting arenas, to provide potentially life saving treatment because ambulance response time is often not fast enough to prevent sudden cardiac death by ventricular fibrillation and/or ventricular tachycardia. Thus, lay persons are being trained to use these devices without a true understanding of cardiology and/or emergency care that would, for example, be known by an emergency medical technician and/or a doctor or nurse in an emergency room of a hospital. The presently claimed invention provides the advantage that as medical personnel appear on the scene, incident ECG data can be reviewed while the defibrillator is still attached to the patient.

There are many reasons why attachment is desirable, one particular reason being that the patient may not have initially responded to the defibrillation procedure performed by the lay person. Time is wasted in the transferring process prior to

AMENDMENT

U.S. Appln. No. 09/418,536

5017-1-005

display, if this information must be loaded from a first defibrillator to a second defibrillator, as in prior art devices as disclosed by Rockwell, or a combination of Rockwell, Bardy and Freeman. In the presently claimed invention, when better trained emergency personnel arrive on the scene, he/she can both use the device and review ECG data history without transferring information and/or swapping out defibrillators. Thus, the method recited in claim 1 provides a novel and non-obvious process over the prior art.

Accordingly, Applicants respectfully submit that a person of ordinary skill in the art would not have found the method recited in present claim 1 to be obvious over the combination of Rockwell, Bardy and Freeman. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Applicants have also amended claim 19 to recite that the external defibrillator displays the retrieved incident data on the defibrillator screen without requiring communication with an external device for display. For the reasons previously indicated in the traversal of claim 1, Applicants also respectfully submit that claim 19 is also allowable over the combination of Rockwell, Freeman and Bardy.

AMENDMENT

U.S. Appln. No. 09/418,536

5017-1-005

Finally, with regard to claims 13, 15, 16, and 18, Applicants respectfully submit that all of these claims are patentable at least because of their respective dependence upon claims 1 or 19, which are believed to be patentable. Accordingly, reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. §103(a) are respectfully requested.

For all the foregoing reasons it is respectfully submitted that all grounds of rejection cited in the Final Office Action have been overcome. A Notice of Allowance is respectfully requested.


Should the Examiner deem that there are any issues which may be best resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned at the telephone number listed below.

Respectfully submitted,
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Registration No. 42,080

Date:

10/25/01

By:


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SC/lc

Enclosure - Version with Markings To Show Changes Made

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Powers et al. ART UNIT: 3762
SERIAL NO.: 09/418,536 EXAMINER: Frances Oropeza
FILED: October 14, 1999
FOR: METHOD AND APPARATUS FOR PROVIDING ON-SCREEN
INCIDENT REVIEW IN AN AED

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Assistant Commissioner for Patents
Box AF
Washington, DC 20231

Dear Sir:

In response to the Final Rejection mailed July 27, 2001,
please note the following marked-up changes to the claims:

IN THE CLAIMS:

Please amend the claims as follows:

1. (Twice Amended) A method of reviewing incident data on
an external defibrillator having a screen, comprising:

deploying the defibrillator for use in an emergency,
wherein the defibrillator is attached to a patient;

monitoring ECG data from the patient;

recording the monitored ECG data in memory; and

activating an incident review mode in which the recorded
ECG data is displayed on the defibrillator screen of the

AMENDMENT

U.S. Appln. No. 418,536

5017-1-005

defibrillator used in the deploying step without the need to attach the defibrillator to another external device for display.

19. (Twice Amended) An external defibrillator comprising:

- a controller;
- an energy delivery system operable by the controller to deliver an electrical shock from an energy source to an electrode interface;
- memory for recording incident data;
- a screen;
- an incident review activator; and
- an incident review output comprising a visual image generator, wherein the incident review output retrieves incident data from memory upon activation of the incident review activator by the user and displays the retrieved incident data on the defibrillator screen without requiring communication with an external device.